

**NEVADA DEPARTMENT OF  
CONSERVATION & NATURAL RESOURCES**

**STATE ENVIRONMENTAL COMMISSION**

**HEARING ARCHIVES FOR**

**REGULATORY PETITIONS**

**COMMISSION PETITION NO. 94018**

**LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R115-94**

**DOCUMENTS INCLUDED IN THIS FILE:**

**SECRETARY OF STATE FILING FORM**

**DISCLOSURE STATEMENT PURSUANT TO NRS 233B**

**REGULATORY PETITIONS**

**YES**

**ORIGINAL DRAFTED BY COMMISSION**

**ADOPTED BY COMMISSION**

**AS FILED AND/OR CODIFIED BY LCB**

**PROPOSED PERMANENT REGULATION OF THE  
NEVADA STATE ENVIRONMENTAL COMMISSION  
LCB File No. R115-94**

Petition withdrawn

EXPLANATION--Matter in *italics* is new; matter in brackets [ ] is material to be omitted.

AUTHORITY: NRS 444.560

**Section 1.** Chapter 444 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive of this regulation.

***Sec. 2. "Class IV site" means a land disposal site which accepts only waste caused by construction or demolition.***

***Sec. 3. Waste caused by construction or demolition" means a solid waste resulting from the construction, remodeling, repair or demolition of a structure or road or from clearing land. The term includes, without limitation, rock, brick, masonry, concrete, gypsum, wallboard, asphalt, untreated wood, siding, roofing, plumbing fixtures, glass, insulation, wiring, pipe and trees or parts of trees. The term does not include, without limitation, any material that contains asbestos, liquid waste, household waste, or any type of paint, solvent, sealer, adhesive or any other potentially hazardous material.***

***Sec. 4. The owner or operator of a Class IV site shall submit an application to the solid waste management authority for permission to operate the site. The application must include, without limitation:***

- 1. The name, location and mailing address of the site;***
- 2. The name and mailing address of the owner of the site;***
- 3. The name and mailing address of the operator of the site;***
- 4. The name and mailing address of any authorized agent of the owner;***
- 5. Proof of ownership of the land on which the site will be located;***

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- 6. A copy of the report required pursuant to section 6 of this regulation;*
- 7. A plan for the operation of the site which addresses the requirements set forth in section 5 of this regulation.*
- 8. A plan for the closure of the site which addresses the requirements set forth in section 7 of this regulation; and*
- 9. Any other information which the solid waste management authority deems necessary and appropriate.*

***Sec. 5. The owner or operator of a Class IV site shall:***

- 1. If the site is open to the general public or to commercial vehicles, post a sign on the gate at the entrance of the site stating the types of waste caused by construction or demolition which will be accepted for disposal at that site;*
- 2. Control public access to the site in order to prevent unauthorized vehicular traffic and illegal dumping;*
- 3. Cause each load of waste caused by construction or demolition to be inspected before it is disposed at the site;*
- 4. Control the amount of dust that emanates from the site;*
- 5. Cause waste at the site to be covered weekly with a minimum of 6 inches of earthen material, unless the solid waste management authority approves an alternative schedule; and*
- 6. Direct surface water so that it drains away from the active fill area.*

***Sec. 6. The owner or operator of a Class IV site shall prepare a report for the design of the site. The report must:***

- 1. Be signed by a professional engineer registered in this state.*
- 2. Include a general location map showing land use and zoning within 1 mile of the disposal site.*
- 3. Include a topographic map of the area which must:*
  - (a) Be at a scale of not more than 200 feet to the inch, including contour intervals of not more than 5 feet.*

- (b) Indicate the proposed fill areas.*
  - (c) Indicate any proposed borrow areas.*
  - (d) Indicate access roads.*
  - (e) Indicate a typical cross section of a lift.*
  - (f) Indicate grades for proper drainage of each lift.*
  - (g) Indicate the placement of special devices for drainage of surface water, if required.*
  - (h) Indicate fencing, equipment for shelter, facilities for employees and all other relevant data to indicate clearly that the landfill will be developed, operated and completed in an orderly manner.*
- 4. Define anticipated types, quantities and sources of waste caused by construction or demolition that will be disposed of at the site.*

*Sec. 7. 1. When a class IV site stops receiving waste, the owner or operator shall:*

- (a) Apply a final cover consisting of at least two feet of compacted soil which is graded to promote drainage of surface water;*
  - (b) Take all action necessary to control erosion and fugitive dust, including, without limitation, planting suitable grasses if required by the solid waste management authority;*
  - (c) Record a notation that complies with the requirements of subsection 2 on the deed to the property on which the site is located or on any other instrument which is normally examined during a title search; and*
  - (d) Notify the solid waste management authority that the notation has been recorded and a copy of the notation has been placed in the operating records of the site.*
- 2. The notation placed on the deed or other instrument pursuant to paragraph (c) of subsection 1 must notify in perpetuity any potential purchaser of the property:*
- (a) That the land has been used as a landfill;*
  - (b) The type of waste which was accepted for disposal at the site; and*
  - (c) The exact locations on the property used for disposal.*
- 3. The owner or operator may request permission from the solid waste management authority*

*to remove the notation from the deed or other instrument if all waste is removed from the site.*

**Sec. 8. *The location of a Class IV site must:***

- 1. Be easily accessible in all kinds of weather to all vehicles expected to use it.*
- 2. Have an adequate quantity of cover material that is workable, compactible and does not contain organic material of a quantity and distribution conducive to the harboring and breeding of disease vectors.*
- 3. Conform to the land use planning of the area and be approved by the local governing body.*
- 4. Not be within one-fourth mile of the nearest domestic dwelling or place of public gathering or be within 1,000 feet of a public highway, unless special provisions for the beautification of the site and the control of litter vectors are included in the design and approved by the solid waste management authority.*
- 5. Not be within 1,000 feet of any surface water or be within 100 feet of the uppermost aquifer, unless approved by the solid waste management authority.*
- 6. Be approved by the solid waste management authority.*

**Sec. 9. *The operator of a Class IV site shall:***

- 1. Establish provision concerning weighing or otherwise adequately measuring and recording all solid waste received at the site; and*
- 2. Submit annually to the division a report of the solid waste received at the side, the report must be submitted on a form provided by the division.*

**Sec. 10. NAC 444.570 is hereby amended to read as follows:**

**444.570** As used in NAC 444.570 to 444.784, inclusive, and sections 2 to 87, inclusive, of **[this regulation,]** *the regulation adopted by the state environmental commission that was filed with the secretary of state on November 8, 1993, and designated as LCB File No. R051-93, and sections 2 to 9, inclusive, of this regulation,* unless the content otherwise requires, the words and terms defined in NAC 444.5705 to 444.632, inclusive, and sections 2 to 21, inclusive, of **[this regulation,]** *the regulation adopted by the state environmental commission that was filed with the secretary of state on November*

*8, 1993, and designated as LCB File No. R051-93, and sections 2 and 3 of this regulation,* have the meanings ascribed to them in those sections.

**Sec. 11.** NAC 444.585 is hereby amended to read as follows:

444.585 1. "Industrial solid waste" means solid waste derived from industrial or manufacturing processes, including, but not limited to, the solid waste generated by the:

- (a) Generation of electric power;
- (b) Manufacture of fertilizer and agricultural chemicals;
- (c) Manufacture of food and its related products and by-products;
- (d) Manufacture of inorganic chemicals;
- (e) Manufacture of leather and products made from leather;
- (f) Manufacture of nonferrous metals, including the foundries which manufacture those metals;
- (g) Manufacture of organic chemicals;
- (h) Manufacture of plastics, resins and other miscellaneous products made from plastic;
- (i) Pulp and paper industry;
- (j) Manufacture of rubber and other miscellaneous products made from rubber;
- (k) Manufacture of products made from stone, glass, clay and concrete;
- (l) Manufacture of textiles;
- (m) Manufacture of transportation equipment; and
- (n) Treatment of water.
- (o) Manufacture of iron and steel.

**[(p) Construction, refurbishing or demolition of buildings or other structures.]**

2. The term does not include waste generated by the mining, oil and gas industries.

**Sec. 12.** NAC 444.731 is hereby amended to read as follows:

444.731 1. Except as otherwise provided in subsections 2 and 3, each Class III site must comply with the standards for location, design, construction, operation and maintenance set forth in NAC 444.733 to 444.747, inclusive.

2. **[A solid waste management authority may adopt a less restrictive standard for a Class III site which receives waste material which is inert or unlikely to create an environmental hazard or threaten the health of the general public.**

3.] A solid waste management authority may waive the requirements for a Class III site if the owner or operator of that site demonstrates that:

- (a) All waste which is placed in the landfill is incidental to his industrial operation;
- (b) The landfill is located on property controlled by the operator of the industrial operation; and
- (c) The landfill will not receive any hazardous materials and is unlikely to produce pollutants or contaminants that may degrade waters of the state.

[4.] 3. An owner or operator who applies for a waiver must submit a plan to the solid waste management authority for approval. The plan must include:

- (a) A description of the type and estimated amount of material which will be placed in the landfill; and
- (b) A program for the maintenance of the site.

[5.] 4. As used in this section, "hazardous material" has the meaning ascribed to it in NRS 459.700.

**Sec. 13.** Section 23 of the regulation adopted by the state environmental commission that was filed with the secretary of state on November 8, 1993, and designated as LCB File No. R051-93 is hereby amended to read as follows:

Sec. 23 1. Except as otherwise provided in subsection 2, the owner or operator of a disposal site must obtain a permit to operate the site from the appropriate solid waste management authority.

2. The following [sites] ***disposal activities*** are exempt from the provisions of subsection 1:

- (a) Composting bins which are operated at a personal residence for personal use;
- [and]**
- (b) Municipal composting operations for yard wastes [.]; ***and***
  - (c) ***Placing material used as fill in an area for use in construction or reclamation, if that placement complies with any ordinance adopted by a local government. As used in this paragraph, "material used as fill" means rock, brick, masonry, concrete, asphalt or uncontaminated soil.***

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3. The owner or operator of a proposed disposal site must obtain a permit before the construction or operation of that site. An application for a permit must be submitted at least 180 days before the anticipated start of construction, to allow sufficient time for the review and issuance of the permit.

4. A disposal site for which a notice of intent to either close the site by **[the effective date of this regulation,] *not later than November 8, 1993***, or to continue operations after **[the effective date of this regulation,] *November 8, 1993***, has not been submitted to the solid **[wastes] *waste*** management authority shall be deemed to be an open dump. All disposal sites which are to continue operations after **[the effective date of this regulation,] *November 8, 1993***, must have a permit issued by the solid waste management authority **[by] *not later than*** October 9, 1996.

5. Interim approval shall be deemed to be granted to an owner or operator who submits a notice of intent to continue operations after **[the effective date of this regulation,] *November 8, 1993***, to the solid waste management authority. The owner or operator to whom interim approval is granted must operate and maintain the site in compliance with all applicable statutes and regulations to maintain that approval. The interim approval is effective until the site is closed or a permit is issued for the site.

**Sec. 14.** Section 24 of the regulation adopted by the state environmental commission that was filed with the secretary of state on November 8, 1993, and designated as LCB File No. R051-93 is hereby amended to read as follows:

Sec. 24. 1. A solid waste management authority shall, within 45 days after receiving an application for a permit to operate a disposal site, notify the applicant as to whether the application is complete or deficient in content. A determination of completeness must be based on whether the application contains all specified documents and supporting information required by NAC 444.677, 444.705 **[or 444.733,] *444.733 or section 4 of this regulation***, as applicable. The solid waste management authority may require the submittal of any such additional documents or information as it deems necessary.

2. If the solid waste management authority determines that an application is complete, the authority shall evaluate the merits of the application to determine if the application is in compliance with all applicable statutes and regulations.

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3. Upon completion of the evaluation, the solid waste management authority shall prepare and issue:

(a) A notice of intent to issue or deny the issuance of the permit. The notice must:

(1) Be sent to the applicant and the local governing body in the area in which the disposal site is to be located, and published in a newspaper of general circulation for the area in which the site is located;

(2) Summarize the action to be taken by the solid waste management authority;

(3) State that the authority will accept comments from the general public for 30 days after the date that the notice is issued; and

(4) Describe the procedure for obtaining copies of the documents and comments submitted with the application.

(b) A factual sheet which describes the proposed facility, the proposed action, the availability of the documents submitted with the application and the procedure for public review and comment.

**Sec. 15.** NAC 444.652 is hereby repealed.

**END OF PETITION 94018 (LCB R115-94)**